

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr Patañe on 4/11/08.

The application has been amended as follows:

In claim 2 after and said substituent is

**Delete** " selected from methyl, ethyl, or "

Status of the Claims:-

Claims 1-4, 18 and 19 are pending.

The rejection of the claims 1-4, 18 and 19 under Obvious type Double Patenting over claims 1 and 2 of US 6569865 and claim 8 of US 6110914, 6995167, and US 10/511525 has been withdrawn as applicants have argued the 103 rejection and have also amended the claims to delete the term alkyl from the substituents on the furyl. The prior art teaches the morphine, pyridyl, piperizynl, azetidynyl and just furyl as its Ar groups.

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there is not motivation to substitute the various different types of substituents on the furyl and expect the properties to be the same. Also there is no motivation to substitute a specific benzofuryl ring instead of the other heteroring.

The rejection of claims 1-4, 18 and 19 under 35 USC 103 has also been withdrawn for the same reasons as given above.

Thus claims 1-4, 18 and 19 are found to be allowable.

### ***Conclusion***

Claims 1-4, 18 and 19 are being allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita J. Desai whose telephone number is 571-272-0684. The examiner can normally be reached on Monday - Friday, flex time..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rita J. Desai  
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R.D.  
April 14, 2008

/Rita J. Desai/  
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